

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

LEE OLIVER COUNTS, JR.

PLAINTIFF

V.

CIVIL NO. 6:19-cv-06133

OFFICER WOODALL
(Badge #180)

DEFENDANT

ORDER

The Court has received a Report and Recommendation (ECF No. 13) from United States Magistrate Judge Barry A. Bryant. Plaintiff proceeds in this 42 U.S.C. §1983 action *pro se* and in *forma pauperis*. Upon review, the Magistrate recommended that Plaintiff's complaint be dismissed without prejudice because the complaint must be interpreted as proceeding against Defendant Woodall in his official capacity, and Plaintiff failed to allege any custom or policy of Garland County or the City of Hot Springs that violated his constitutional rights. Plaintiff has filed timely, written Objections (ECF No. 14) to the Report and Recommendation. The matter is now ripe for consideration.

The Court has conducted a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1). After consideration, the Court finds that Plaintiff's Objections offer neither law nor fact requiring departure from the Magistrate's findings, and that the report and recommendation is proper, contains no clear error, and should be and hereby is ADOPTED IN ITS ENTIRETY.

IT IS THEREFORE ORDERED that Plaintiff's Complaint should be and hereby is DISMISSED WITHOUT PREJUDICE. The Clerk is directed to place a §1915(g) strike flag on the case.

SO ORDERED this 4th day of March 2020.

/s/Robert T. Dawson

ROBERT T. DAWSON
SENIOR U.S. DISTRICT JUDGE